Ginage

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

The 7 wo4 by Mr Bulen
Signature

(print name)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dohe

Doherty et al.

Filing Date:

January 20, 1999

Serial No.:

09/234,208

For:

HER-2 BINDING ANTAGONISTS

Art Unit:

1642

Examiner:

Anne L. Holleran

Docket:

49321-1

Date:

April 6, 2004

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESUBMISSION OF PETITION TO CORRECT INVENTORSHIP

Sir:

Applicants petitioned the Commissioner on February 18, 2000 to correct the inventorship in the patent application referenced above. However, to date the Petition has not been decided. Applicants assume that the Petition, while received, has been lost or misplaced by the Office. Applicants therefore submit a copy of the original Petition, along with the stamped postcard indicating receipt of the Petition by the Commissioner, and kindly request that the Petition be expedited and granted.

No petition fee is enclosed. No fee is believed due under the circumstances. However, if any fee is deemed due, please charge Deposit Account No. 04-0258 of Davis Wright Tremaine LLP.

A copy of this resubmission is enclosed.

Respectfully submitted,

Barry L. Davison, Ph.D., J.D. Attorney for Applicants

Registration No. 47,309

Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688 Tel 206-628-7621 Fax 206-628-7699 **MAILING CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class matrix envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Tril 7, 2004 by War Bulen

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Barry L. Davison, Ph.D., J.D. Attorney for Applicants

Registration No. 47,309

Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688 Tel 206-628-7621 Fax 206-628-7699



THE FACE OF THIS DOCUMENT HAS A MULTICOLORED BACKGROUND ON WHITE PAPER

DAVIS WRIGHT TREMAINE LLP

LAW OFFICES

2600 CENTURY SQUARE - 1501 FOURTH AVENUE

SEATTLE, WASHINGTON 98101-1688

(206) 622-3150

VENDOR NO. 11067

DATE 02-11-00 66<u>-798</u> 531

NO. 464953

Bank of America

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DAVIS WRIGHT TREMAINE LLP

PAY TO THE

OF

ASSISTANT COMMISSIONER FOR

PATENTS

ORDER

WASHINGTON, DC 20231

Authorized Signature

sheet)

#00464953# #053107989# 000480120610#

Docket No. 49321-1

USSN: 09/234,208
Date mailed: 18 Feb 2000

OHSU

Please acknowledge receipt of the following:

- Petition to Correct Inventorship in Patent
- Check in the amount of \$130 2.
- John P. Adelman statement 3.
- Statement from Doherty and Clinton 4.
- 5. OHSU Statement
- Statement under 37 CFR 3.73 (assignment recordation o.
- 7. Adelman Assignment
- 8. Adelman Power of Attorney
- Return postcard



APR 1 2 2004

COLUMN TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Joni Kristin Doherty and Gail M. Clinton

Serial No.:

09/234,208

Filed:

20 January 1999

For:

HER-2 BINDING ANTAGONISTS

Examiner:

J. Hunt

Art Unit:

1642

Docket No.:

49321-1

Date:

18 February 2000

Assistant Commissioner for Patents Washington, DC 20231

PETITION TO CORRECT INVENTORSHIP IN PATENT

Sir:

Pursuant to 37 C.F.R. §1.324(a), applicants respectfully petition the Commissioner to issue a certificate naming the actual inventors in the above-referenced patent application. Pursuant to 37 C.F.R. §1.324(b) et seq., applicants attach hereto: (1) A statement from **John P.**Adelman who is being added as a joint inventors, that the inventorship error occurred without any deceptive intention on his or her part (no persons are being deleted as inventors); (2) A statement from the current named joint inventors **Joni Kristin Doherty** and **Gail M. Clinton**, who have not submitted a statement under 37 C.F.R. §1.324(b)(1), that they agree to the change of inventorship; (3) A statement from **OREGON HEALTH SCIENCES UNIVERSITY**, Portland, Oregon, the sole ASSIGNEE of the parties submitting statements under 37 C.F.R. §§1.324(b)(1) and (2), agreeing to the change of inventorship in the patent, said statement being in compliance with 37 C.F.R. §3.73(b); and (4) The fee set forth in 37 C.F.R. §1.2(b).

Applicants further attach hereto: (5) A STATEMENT UNDER 37 C.F.R. §3.73(b) specifying, by reel and frame number, evidence of the chain of title from the original joint inventors Joni Kristin Doherty and Gail M. Clinton to the above-named ASSIGNEE; along with (6) an assignments from John Adelman who is being added as a joint inventor under the present PETITION (Note: this assignment has been submitted, under separate cover, to the Assignment Division for recordation in accordance with 37 C.F.R. Part 3); and (7) A Declaration and Power

of Attorney from John P. Adelman.

Applicants have enclosed a check for \$130.00 to cover the fee.

Respectfully submitted,

Jeffrey B. Oster

Attorney for Applicants Registration No. 32,585

Davis Wright Tremaine LLP 2600 Century Square, 1501 Fourth Avenue Seattle, WA 98101-1688

Tel: (206) 628-7711 Fax: (206) 628-7699

STATEMENT OF INVENTORSHIP ERROR IN ABSENCE OF DECEPTIVE INTENT [37 CFR 1.324(b)(1)]

Title of Invention: HER-2 BINDING ANTAGONISTS

Serial No. 09/234,208

Filed on 20 January 1999

Docket No. 49321-1

As the below-named joint inventor of the subject matter which is claimed in the patent application identified above, I hereby state in accordance with 37 CFR 1.324(b)(1) that the inventorship error of failing to include **John P. Adelman** as an inventor of the patent application occurred without any deceptive intention on the part of the applicants.

Inventor:

John P. Adelman

Address:

2433 SW Mitchell Street

Portland, Oregon 97201 USA

Residence:

Portland, Oregon USA

Citizenship:

United States

Signature of Inventor:

Date signed:

ohn P. Adelman

STATEMENT OF CURRENT INVENTORS TO CHANGE INVENTORSHIP [37 CFR 1.324(b)(2)]

Title of Invention: HER-2 BINDING ANTAGONISTS

Serial No. 09/234,208

Filed on 20 January 1999

As the below-named joint inventors of the subject matter which is claimed in the patent application identified above, we hereby state in accordance with 37 CFR 1.324(b)(2) that we agree to the change of inventorship, adding **John P. Adelman** as a joint inventor to the patent application identified above, and furthermore state that the inventorship error of failing to include **John P. Adelman** as an inventor of the patent occurred without any deceptive intention on the part of the applicants.

Inventor:

Joni Kristin Doherty

Address:

1914 California Avenue

Santa Monica, California 90403 USA

Residence:

Portland, Oregon USA

Citizenship:

United States

Inventor:

Gail M. Clinton

Address:

3040 SW Beaverton Avenue

Portland, Oregon 97201 USA

Residence:

Portland, Oregon USA

Citizenship:

United States

Signature of Inventors:

Date signed:

Gail M. Clinton

ASSIGNEE'S STATEMENT OF AGREEMENT TO CHANGE OF INVENTORSHIP [37 CFR 1.324(b)(3)]

Title of Invention: HER-2 BINDING ANTAGONISTS

Serial No. 09/234,208

Filed on 20 January 1999

Docket No. 49321-1

As the sole assignee of the parties submitting a statement under 37 CFR §§1.324(b)(1) and (b)(2) in support of the present PETITION TO CORRECT INVENTORSHIP IN PATENT, **OREGON HEALTH SCIENCES UNIVERSITY**, an institution for medical research under the laws of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201-3098 (hereinafter referred to as ASSIGNEE), hereby states in accordance with 37 CFR §1.324(b)(3) that we agree to the change of inventorship, adding **John P. Adelman** as a joint inventor of the subject matter which is claimed in the patent application identified above;

AND, WHEREAS, the sole ASSIGNEE seeks to take action in this matter before the Office, and is desirous of acquiring the entire right, title and interest in the invention described in the said application and Patent, ASSIGNEE, in compliance with 37 CFR §3.73(b), attaches hereto a STATEMENT UNDER 37 CFR 3.73(b) specifying (by reel and frame number) evidence of the chain of title from the original joint inventors, **Joni Kristin Doherty** and **Gail M. Clinton** to ASSIGNEE, along with documentary evidence of assignment from **John P. Adelman** who is being added as a joint inventor under the present PETITION.

ASSIGNEE: OREGON HEALTH SCIENCES UNIVERSITY

3181 SW Sam Jackson Park Road

Portland, Oregon 97201

Executed in Portland, Oregon, this $\underline{6}$ day of January, 2000.

Sandra L. Shotwell, PhD, Director

Technology and Research Collaborations

Oregon Health Sciences University

STATEMENT UNDER 37 CFR 3.73(b)

Applicants: Joni Kristin Doherty and Gail M. Clinton

Application No.: <u>09/234,208</u> Filed: <u>20 January 1999</u>

For: **HER-2 BINDING ANTAGONISTS**

OREGON HEALTH SCIENCES UNIVERSITY, 3181 SW Sam Jackson Park Road,

Portland, Oregon 97201-3098, an

(Name of Assignee)

Institution for Medical Research under the laws of Oregon,

(Type of Assignee)

certifies that it is the sole assignee to the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment of the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel <u>9981</u>, Frame <u>0083</u>, or for which a copy thereof is attached.

B. [..] A chain of title from the inventor(s) of the patent application identified above, to the

OR

1. From:
To:
The assignment was recorded in the Patent and Trademark Office at Reel____, Frame____, or for which a copy thereof is attached.

2. From:
To:
The assignment was recorded in the Patent and Trademark Office at Reel____, Frame____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[Note: Separate copies (i.e., original or true copies of original) have been submitted to the Assignment Division in accordance with 37 CFR Part 3, for recordation in PTO records. See

The undersigned have reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Sandra L. Shotwell, PhD, Director

Technology and Research Collaborations

Oregon Health Sciences University

Date:



UNITED STA 3 DEPARTMENT OF COMMERCE Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

JULY 29, 1999

DAVIS WRIGHT TREMAINE LLP JEFFREY B. OSTER 2600 CENTURY SQUARE 1501 FOURTH AVENUE SEATTLE, WA 98101-1688





UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/28/1999

REEL/FRAME: 009981/0083

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DOHERTY, JONI KRISTIN

DOC DATE: 05/20/1999

ASSIGNOR:

CLINTON, GAIL M.

DOC DATE: 05/18/1999

ASSIGNEE:

OREGON HEALTH SCIENCE UNIVERSITY 3181 SW SAM JACKSON PARK ROAD PORTLAND, OREGON 97201-3098

SERIAL NUMBER: 09234208

PATENT NUMBER:

FILING DATE: 01/20/1999

ISSUE DATE:

SHAREILL COLES, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

06-02-1999 101052410...

HEET

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Assistant Commissioner for Patents	U.S. DEPARTMENT OF COMMERCE		
Box Assignments	Patent and Trademark Office		
Washington, D.C. 20231			
· · · · · · · · · · · · · · · · · · ·	Attorney Docket No. 49321-1		
To the Assistant Commissioner for Patents:			
Please record the attached original documents or cop	<u> </u>		
1. A. Name of conveying party(ies):	2. A. Name and address of receiving		
Joni Kristin Doherty	party(ies):		
Gail M. Clinton	Oregon Health Science University		
	3181 SW Sam Jackson Park Road		
B. Additional conveying party(ies) name(s)	Portland, OR 97201-3098		
attached?			
_Yes _X_No			
3. A. Nature of conveyance:	B. Additional name(s) & address(es)		
X Assignment Merger	attached?		
_ Security Agreement _ Change of Name	_Yes _X_No		
Other			
B. Execution Date: May 18 & 20, 1999			
4. A. If this document is being filed together with a	new application, the execution date of the		
application is: 1999			
B. Patent Application No.(s)	C. Patent No.(s)		
D. Additional numbers attached? _Yes XNo			
5.Name and address of party to whom	6. Total number of applications		
correspondence concerning document should be	and patents involved: one (1).		
mailed:			
Name: <u>Jeffrey B. Oster</u>	7. T-4-1 C- (27 OFP 2.41)		
A J J	7. Total fee (37 CFR 3.41)\$40.00		
Address:	8. Charge the above fee and credit any		
Davis Wright Tremaine LLP	overpayment or charge any		
2600 Century Square	underpayment to deposit account		
1501 Fourth Avenue	number 04-0258.		
Seattle, WA 98101-1688	- A		
	<u> </u>		
9. Statement and signature.			
To the best of my knowledge and belief, the forego	oing information is true and correct and any		
attached copy is a true copy of the original document.			
My 3 Oto	Date: May 24, 1999_		
Jeffrey B. Oster			
Registration No. 32,585			
Total number of pages including cover sheet, attachments, and document: 2			

06/01/1999 DHGUYEN 00000299 09234208

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Seattle

Attorney Locket No. 49321-1

ASSIGNMENT

WHEREAS, we, Joni Kristin Doherty, residing at 3928 SE Ogden Street, Portland, Oregon 97202 and Gayle M. Clinton, residing at 3040 SW Beaverton Avenue, Portland, Oregon 97201, are the inventors named in an application for Letters Patent of the United States entitled HER-2 BINDING ANTAGONISTS, said application filed on January 20, 1999 and assigned application serial No. 09/234,208;

AND, WHEREAS, Oregon Health Science University, a corporation of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said ASSIGNEE, our entire right, title to and interest in said application and said inventions and all applications and patent on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to us.

Executed in _	1 or wared	<u> </u>	tnis 🗠 day	or // aux	<u> </u>
	(City and state	·)		σ	
/	Joni K Joni Kristin D	Sristin	- Kal	in the second se	•
\mathcal{L}					
Executed in $\underline{\mathcal{I}}$	Portland,	DR.	this 18th day	of May	, 1999.
	(City and state	his his	M. a	26	
	- · · · · /	· · · · · · · · · · · · · · · · · · ·	V		

English Dorch and

ASSIGNMENT

WHEREAS, I, John P. Adelman, residing at 9419 SW Corbett Lane, Portland, Oregon 97219, am an inventor named in an application for Letters Patent of the United States entitled HER-2 BINDING ANTAGONISTS, said application filed on January 20, 1999 and assigned application serial No. 09/234,208;

AND, WHEREAS, Oregon Health Sciences University, a corporation of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201 (hereinafter referred to as ASSIGNEE) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, I do hereby sell, assign, and transfer unto said ASSIGNEE, my entire right, title to and interest in said application and said inventions and all applications and patent on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by me had this sale, assignment, and transfer not been made, and I do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to me.

Executed in Portland, Oregon, this 67 day of _______, 2000.

John P. Adelman

DECLARATION AND POWER OF ATTORNEY

As the below-named inventor, I declare that I am an original, first, and joint inventor of the subject matter which is claimed in the specification identified below and for which a patent is sought on the invention as titled therein. I hereby state that I have reviewed the contents of said specification, including the claims. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

Inventor:

John P. Adelman

Address:

2433 SW Mitchell Street

Portland, Oregon 97201

Residence:

Portland, Oregon, USA

Citizenship:

USA

Title of Invention: HER-2 BINDING ANTAGONISTS

Serial No.: 09/234,208, filed on January 20, 1999

- (X) There are no earlier-filed United States Patent Applications of which priority benefit is claimed.
- () We hereby claim the benefit under 35 U.S.C. §120 of the United States Patent Application listed below, and, insofar as the subject matter of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the filing date of this application:

USSN:	Filed:	Status:	

POWER OF ATTORNEY

The power to prosecute this application and transact all business in the Patent and Trademark Office connected herewith is hereby granted to the following attorneys:

Jeffrey B. Oster, Registration No. 32,585 Todd M. Becker, Registration No. 43,487

Please send all correspondence to:

Jeffrey B. Oster
Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688

Telephone: (206) 628-7711 Facsimile: (206) 628-7699

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor:

Date signed:

John P. Adelman

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0 031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

work Reduction Act of 1995, no persons are

TRANSMITTAL **FORM**

(To be used for all correspondence after initial filing)

s are required to respond to a conection of	information divess it displays a valid Olvib control flumber.
Application Number	09/234,208
Filing Date	January 20, 1999
First Named Inventor	Doherty
Group Art Unit	1642
Examiner Name	Anne L. Holleran
Attorney Docket No.	49321-1

ENCLOSURES (check all that apply)			
Fee Transmitta Fee Attach Amendment/Ro After Final After Final After Final Statement of To Express Aband Request Information Dis Statement; For Cited Reference Certified Copy Document(s) Response to M under 37 C.F.F. Response to M Parts/Incomple	al Form ned esponse declaration(s) ime Request donment sclosure rm PTO-1449 ces of Priority dissing Parts R. 1.52 or 1.53 dissing	Drawing(s) Request for Corrected Filing Receipt Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation, Change of Correspondence Address Declaration Statement under 37 CFR 3.73(b) Terminal Disclaimer Small Entity Statement Request for Refund	CD(s), Number of CD(s) After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Return Receipt Postcard Additional Enclosure(s) (please identify below): Resubmission of Petition to Correct Inventorship
Remarks		,,	L <u>-</u>
	SIGNATUI	RE OF APPLICANT, ATTORNEY,	OR AGENT
Individual Name	Barry L. Davison Ph.D., J.D.		22504
Signature Adam 2 Ma			
Date 07 April 2004			
CERTIFICATE OF FACSIMILE TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date specified below.			
Typed or printed n	Typed or printed name Kay Bulen		
Signature	Signature Ray Bulen Date: Upil 7, 2004		
WARNING: Information on this form may become public. Credit card information should not			

be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. C onfidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is e stimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.